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E.O. 12958: N/A

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SUBJECT: ROMANIA Election Update: Another Day, Another Cabinet

Ref. Bucharest 745 and previous

¶1. (SBU) Summary. President Basescu's latest PM designate, Liviu Negoita, submitted his proposed Cabinet and governing program to Parliament on November 9. The roster is similar to the recently rejected Croitoru cabinet (reftel), except for three "independent" ministers considered PDL sympathizers. The ad hoc parliamentary majority of PDL's rivals PSD, PNL and UDMR reiterated their determination to vote down the Negoita Cabinet, but at the same time sought procedural ways to delay the vote and avoid triggering early Parliamentary elections. The legal process ahead remains murky, and unless electoral calculations abruptly change a quick vote on the Negoita Cabinet is unlikely. End Summary.

¶2. (SBU) The proposed 14-member Cabinet is identical to that of former PM designate Croitoru (reftel), with three exceptions: Gabriel Oprea for Interior, Cristian Anton Irimie for Health and Valeriu Tabara for Agriculture. As Social Democratic Party (PSD) chairman for a Bucharest suburb, Oprea served briefly as Interior Minister in January 2009 before PSD leaders forced him out over his alleged ties to Basescu. Oprea, whom Basescu recently promoted to four-star general (retired), now leads the newly created 20-member "independent caucus" in the Chamber of Deputies. This catchall group includes defectors from PSD and the National Liberal Party (PNL) whom Basescu's Liberal Democratic Party (PDL) has managed to co-opt.

¶3. (SBU) Agriculture nominee Tabara held the same position in 1994-96. He left the Party of Romanians' National Unity (PUNR) in 2002 to join the Democratic Party in 2002. Health nominee Irimie is currently a low profile State Secretary in the Ministry of Health, named to that position by PDL. A gynecologist by trade, he was previously head of the Suceava County public health department.

¶4. (U) The PSD, PNL and Hungarian Democratic Union in Romania (UDMR) quickly declared their opposition to the Negoita nomination, and once again reiterated their demand that independent Sibiu Mayor Klaus Johannis be nominated as PM. PSD and PNL described the Negoita nomination and the related process as a "travesty." Even the nominee himself was skeptical that Parliament would be in any hurry to start hearings on the ministerial nominations, given that most members are out in their districts campaigning for their parties' presidential candidates. Negoita nevertheless condemned the opposition's "irresponsibility" in delaying proceedings.

¶5. (SBU) As previously reported, a second failed PM nomination could allow the President - whether Traian Basescu or his replacement - to dissolve Parliament should the Negoita cabinet be rejected before January 4, 2010. However, there is still some debate among legal scholars as to whether these votes would still count when the next president takes office after December 6. In any event, individual MPs clearly want to delay the second vote as long as possible, to avoid early parliamentary elections and keep their seats.

¶6. (SBU) Additional legal questions remain. Under parliamentary rules, the leadership of both houses has 15 days to schedule a time for the PM designate to present his proposed Cabinet and program.

As Negoita filed on November 9, the deadline is November 24. Only Senate President Mircea Geoana (PSD) and Chamber of Deputies Speaker Roberta Anastase (PDL) can convene the respective leaderships, but Geoana is on the campaign trail and his stand-in Teodor Melescanu (PNL) seems unsure whether he has the authority to convene such a meeting.

17. (SBU) Also complicating matters, the 45-day interim status expires on November for current PDL Cabinet members holding dual portfolios - which they took over when PSD left the government. Under normal circumstances new full ministers would need to be named and confirmed by Parliament for the former PSD portfolios. However, PDL legal experts declare this issue moot following Parliament's rejection of the Croitoru cabinet.

18. (SBU) Comment: In an apparent effort to obscure their reluctance to formally vote down the second proposed cabinet, the opposition has chosen another line of attack. On November 10 PNL Chairman Crin Antonescu called for a complaint to the Constitutional Court that President Basescu had provoked a constitutional dispute with Parliament over how to name a new PM. PDL parliamentary contacts told us the likely delay of the vote on the Negoita cabinet works to their advantage, as they expect that political realignments after the first round of presidential voting November 22 would strengthen their hand in Parliament. This assumes that Basescu performs well in the first round, which in turn will depend on whether voters blame him or the opposition for creating this political crisis.  
GITENSTEIN